

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TMW ENTERPRISES, INC.,
a Michigan corporation,

Plaintiff,

Case No. 07-CV-12230

v.

CHUBB GROUP, INC., a Pennsylvania
corporation, and FEDERAL INSURANCE
COMPANY, an Indiana corporation,

Defendants.

**ORDER STRIKING PLAINTIFF'S "RESPONSE TO MOTION FOR SUMMARY
JUDGMENT AND BRIEF IN SUPPORT OF COUNTER-MOTIONS TO CONDUCT
DISCOVERY AND/OR FOR LEAVE TO FILE AMENDED COMPLAINT,"
"MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT" AND
"MOTION FOR ORDER TO CONDUCT DISCOVERY"**

On July 17, 2007, Plaintiff filed three documents that are not compliant with either the local rules or the court's motion practice guidelines.

Plaintiff filed a "Response to Motion for Summary Judgment *and Brief in Support of Counter-Motions* to Conduct Discovery and/or For Leave to File Amended Complaint" (emphasis added). As indicated in the title, hidden within Plaintiff's "response" are two "motions." This violates Eastern District of Michigan Local Rule 5(d), which provides: "a response or reply to a motion must not be combined with a counter-motion. Papers filed in violation of this rule will be stricken."

Plaintiff's latter two motions, a "Motion for Leave to File an Amended Complaint" and a "Motion for Order to Conduct Discovery," do not conform with this court's motion practice guidelines because each refers the court to another docket entry (the

“Response” mentioned above) for its supporting brief. Supporting briefs (as well as supporting documents, with some practical exceptions not applicable here¹) are to be filed with that motion. The court will not accept Plaintiff’s mere reference to another docket entry for a brief supporting its motion. Accordingly,

IT IS ORDERED that Plaintiff’s “Response to Motion for Summary Judgment and Brief in Support of Counter-Motions to Conduct Discovery and/or For Leave to File Amended Complaint” [Dkt. # 7], “Motion for Leave to File an Amended Complaint” [Dkt. # 8] and “Motion for Order to Conduct Discovery” [Dkt. # 9] are STRICKEN subject to proper refiling in conformance with Local Rule 5(d) and the court’s motion practice guidelines.

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 19, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 19, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ For example, if a particularly complex or lengthy underlying document has been previously filed, perhaps more than once, reference to it in subsequent filings may be appropriate. A common example is the contract of insurance underpinning an ERISA claim for benefits.